

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

JOSEPH RUPPERT, as trustee of and on behalf      )  
of FAIRMOUNT PARK, INC. RETIREMENT      )  
SAVINGS PLAN, and on behalf of all others      )  
similarly situated,      )  
    )  
Plaintiff,      )  
    ) Case No. 4:07-cv-00344-JAJ-TJS  
vs.      )  
    )  
PRINCIPAL LIFE INSURANCE COMPANY,      )  
    )  
Defendant.      )

**JOINT MOTION TO STAY ALL DEADLINES IN THE  
SEPTEMBER 11, 2009 SCHEDULING ORDER**

Plaintiff Joseph Ruppert and Defendant Principal Life Insurance Company (“Principal Life”) respectfully request that this Court vacate all deadlines in the September 11, 2009 scheduling order, pending resolution of several matters that will determine whether extensive discovery, a modest amount of discovery, or no discovery needs to be taken in this case. In support of their request, the parties state as follows:

1. On April 8, 2009, the Court issued a schedule that allowed plaintiff additional time for class certification discovery and permitted plaintiff to file a renewed motion for class certification.
2. On April 23, 2009, Principal Life filed objections to the ruling that permitted plaintiff to file a renewed motion for class certification. The Court has not yet ruled on these objections.
3. Plaintiff filed his renewed motion for class certification on May 11, 2009. The Court has not yet ruled on that motion.

4. On September 11, 2009, the Court modified the schedule to permit additional time for discovery.

5. On November 5, 2009, the Court granted Principal Life's motion for judgment on the pleadings as to Counts I and II of plaintiff's first amended complaint.

6. On December 21, 2009, plaintiff filed a motion for reconsideration of the November 5, 2009 opinion. Principal Life filed its response to that motion on January 28, 2010, and plaintiff's reply is due on February 4, 2010.

7. Separately, Principal Life intends to file a motion for summary judgment in the near future (i.e., within the next week) with respect to the Count III of the first amended complaint – the sole remaining claim in the case.

8. Under the current scheduling order, discovery is scheduled to end on April 15, 2010, and various deadlines leading to the close of discovery have been set.

9. Because the scope of any appropriate discovery depends on the Court's rulings on the various pending motions, as well as the Court's ruling on Principal Life's forthcoming motion for summary judgment on Count III, the parties respectfully request that the Court stay all deadlines in the September 11, 2009 scheduling order until rulings have been issued on plaintiff's motion for reconsideration, Principal Life's objections to the ruling that permitted plaintiff to file a renewed motion for class certification, and the motion for summary judgment. Principal Life plans to file with respect to Count III of plaintiff's complaint.

WHEREFORE, the parties respectfully request that this Court grant their motion to stay all deadlines in the September 11, 2009 scheduling order until rulings have been issued on plaintiff's motion for reconsideration, Principal Life's objections to the ruling that permitted

plaintiff to file a renewed motion for class certification, and the motion for summary judgment Principal Life plans to file with respect to Count III of plaintiff's complaint.

Respectfully submitted,

PRINCIPAL LIFE INSURANCE COMPANY

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Stay All Deadlines in the September 11, 2009 Scheduling Order was served on the attorneys listed below through the Court's CM/ECF electronic filing system on January 29, 2010.

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